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EXAMINER

DURAN, ARTHUR D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/788,486

Applicant(s)

SAZAWA ET AL.

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-23 have been examined.

#### ***Response to Amendment***

2. The Amendment filed on 8/4/05 is sufficient to overcome the prior rejection. A new reference has been added to the 35 USC 103 rejection.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/4/05 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aho (6,256,043) in view of Gerace (5,848,396) in view of Shtivelman (6,346,952) in view of Kinoe (6,337,700).

Claim 1, 3-11, 13-23: Aho discloses a method, medium for managing an imaginary store on a network, comprising:

a first step of displaying the imaginary store in response to client's request,

a second step of setting a chat channel between a salesperson and the client in response to selection of a product object by the client in said imaginary store, and displaying character data in a chat that they have (col 2, lines 17-30; col 2, lines 41-55; col 8, line 62-col 9, line 5),

and adapting the environment and images to best fit a particular user (col 2, lines 17-27).

Aho does not explicitly disclose selecting an attribute object of a corresponding product on the basis of a key word in said chat.

However, Gerace further discloses monitoring user communication, activity, and messages and presenting different attribute objects based upon user communications (col 16, lines 37-55; col 2, lines 43-55; col 10, lines 40-52). Note that the color of advertisements or the topic of advertisements constitutes different attributes for the object.

Gerace further discloses the user making purchases of items (col 2, lines 37-43; col 22, lines 53-65) and adapting content, presentation, display, format, subject matter attributes of items (col 17, lines 1-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's selecting an attribute object of a corresponding product on the basis of a key word in said chat to Aho's customizing the attributes of the presentation

Art Unit: 3622

based on user qualities. One would have been motivated to do this in order to provide items of interest to a user in a format of interest to a user.

Gerace further discloses displaying plural attributes that can be selected from said product attribute object and reflecting an attribute selected from said plural attributes on product object presentation (col 16, lines 37-67). Note that displaying ticket information on plane flights to Detroit, or to New York, or to Boston based upon the user communication is varying the product (tickets) attribute (destination).

Gerace further discloses recording a log of the chat between said client and the salesperson and then analyzing the recorded chat log to perform marketing (col 2, lines 5-30; col lines 35-42).

Gerace further discloses extracting a key word from the recorded chat log and dispatching an advertisement corresponding to the extracted key word to a client (col 16, lines 37-67; col 17, lines 37-52).

Gerace further discloses the key word is searched from the content of the client's chat and an advertisement list wherein product data corresponding to the key word and client data are combined is prepared (col 16, lines 37-67).

Gerace further discloses supplying a chat channel between clients, recording a log of chats, and then analyzing the recorded chat log to perform marketing (col 10, lines 23-50).

Aho further discloses users chatting (col 2, lines 30-35) and utilizing a chat channel to have a chat with another client (col 12, lines 49-58).

Gerace further discloses collecting further data from a user (col 11, lines 24-56) and collecting data from a user upon selling a product (col 2, lines 37-42).

Art Unit: 3622

Gerace further discloses specials provided to the user and targeting areas of interest to the user (col 9, lines 7-14).

a reward or a privilege is supplied to the client supplying the cut-out data (col 9, lines 7-14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's providing specials or rewards to Aho's user performing virtual shopping customized to the user. One would have been motivated to do this in order to better attain user information for better customizing towards a user.

Gerace further discloses displaying plural colors, plural shapes and plural display positions as the plural attributes that can be selected from said product attribute object and reflecting a specific attribute selected from said plural attributes on an image of said product object (col 6, lines 30-40; col 2, lines 16-22).

Additionally, Aho discloses shopping and that the store the user enters can be customized based on the user who enters:

“(9) As another example, the user could enter a store which popped out of the video, and engage in virtual shopping therein. In accordance with an aspect of the invention, the particular store which is actually entered may be customized on a per user basis. Thus, for different users who are traversing the same course and seeing the same representations, e.g., an avatar, of a store or vendor cart that popped out from the video, who the particular vendor is that will serve the user and provide him with the virtual shopping service may be different for different users” (col 2, lines 16-25).

Aho discloses the user utilizing a chat service for shopping purposes, targeting content to the user, and targeting a communication to a user:

“(10) In accordance with another aspect of the invention, when the proprietor of a virtual store, or his representative, e.g., electronic agent, detects the avatar of one or more persons in the vicinity of, e.g., passing, the avatar of a store for which such proprietor's store corresponds to the virtual store for such passing persons, a message, such as an advertisement, or other communication, such as opening a communication channel, e.g., a chat service or voice communication channel, may be transmitted to, or initiated with, such passing persons. The communication may be general in nature or it may be customized as a function of information available regarding the passing persons. Advantageously, a feeling of community may be engendered in the virtual environment” (col 2, lines 41-55).

Shtivelman discloses selecting an attribute of a corresponding product on the basis of a key word extracted real time from information of a chat currently underway (Fig. 8 and below):

“(47) Threaded dialog may assume other characteristics aside from being reserved for a particular customer. Instead of being assigned to a particular customer, a thread may be assigned a product line or specific product. Therefore any communication center interaction concerning that product line or product would be contained in the thread. There are no limits to categorization or association rules. A variety of known technologies such as voice to text recording, optical character recognition (OCR), object linking and embedding (OLE), or even human-assisted translation may be used to convert interactions into threaded text accounts (col 12, lines 5-15);

(74) At step 133 a parsing engine such as parser 115 of FIG. 5 parses a message for content. As previously described, keywords such as nouns, verbs, product names, platform types, etc are parsed from the message. Sentence structure and punctuation may also be considered. Also in step 133, a KB such as KB 117 is consulted for matching semantics. KB 117 may store standardized query/response pairs that have been standardized from actual query/response pairs studied from chat history. KB 117 may only contain matching queries and associated response codes that are linked to responses contained in a history database, or standardized responses held separately. There are many possibilities (col 16, lines 21-34);

(103) Intelligent parsing of all incoming queries may be set up by rule such that keywords about customers may be obtained from a customer database based on customer identification in a chat session. Moreover, keywords related to additional products that are discussed may be checked against a product database containing product descriptions. Additional product keywords appearing in column 177 would result from keywords extracted from query dialog and matched against a product database.

(104) Like keywords contained in column 175, those additional keywords appearing in column 177 may expire after a preset number of query/response pairs have been posted with the exception of the title keyword X 10 scanner. Alternatively, such keywords may remain in view throughout the duration of a session. For example, the keyword X5 scanner appears as a result of Mary's query asking if there is a miniature model that she can buy. Another product keyword keyboard appears as a result of parsing Jim's query containing the word keyboard. The second product keyword is not related to the title X10 scanner, however it appears because the company hosting the session may also have a line of compatible keyboard products. In this



Art Unit: 3622

case, retaining product keywords developed over a duration of a chat session may help administrators to better title a particular chat session for future applications.

(105) In a preferred embodiment of the present invention, generation of a keyword summary along with client keywords and product keywords particular to a chat session is accomplished in integration with methods taught in the co-related patent applications. However, in an alternate embodiment, the generation of such keywords may be accomplished for a particular chat session by providing a parsing function either in a server hosting the session, or in an agent's desktop chat application. For example, if there are more than one chat session ongoing in a chat server, then parsing function at the server may be constructed to automatically monitor dialog (query and response) for each separate session and extract keywords from the monitored dialog according to rule such that the keywords appear in window 163. The same would apply at the agent's desktop. The only difference would be that keywords would only be saved during the time that they are allowed to reside in columns 175-177" (col 20, line 65-col 21, line 41).

Shtivelman further discloses that the chat features can be utilized in any chat type environment:

"(7) One IPNT medium is the well-known chat session. A chat session is facilitated by software at each client station and at a communications server hosted somewhere in an Internet-Protocol (IP) data network (typically the Internet). A chat session is typically hosted by a facilitator or session leader, which controls the rules and regulations governing each session. Typically a session master has controls provided to him that enable him to mute other

Art Unit: 3622

participants, eject certain individuals from a session, direct the topics, and so on (col 1, lines 55-65);

(107) It will also be apparent to one with skill in the art that the method and apparatus of the present invention may be practiced in virtually any standard chat environment without benefit of central routing control or automated response systems without departing from the spirit and scope of the present invention. All that is required to provide a revolving summary of dialog keywords is a session monitor and a keyword parser, which may be provided either at a server location or in a desktop chat application;

(108) The method and apparatus of the present invention may be practiced in any IP communication-center environment or in any IP chat environment without departing from the spirit and scope of the present invention. Therefore the present invention should be afforded the broadest scope. The methods and apparatus of the present invention are limited only by the claims that follow” (col 21, line 50-col 22, line 10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Shtivelman’s providing relevant information or based on real time chat analysis and keywords to Aho’s providing custom shopping experiences or advertising based on possible user preferences, interests, or characteristics. One would have been motivated to do this in order to provide content that is relevant to the user’s recent or current interests.

Additionally, Aho further discloses adapting the objects for sale at the virtual store based on information concerning the user:

“[Claim] 10. The invention as defined in claim 1 wherein said object is a store selected from among a plurality of stores as a function of a location of said

Art Unit: 3622

viewer and said additional information is relevant to objects for sale at said store.

[Claim] 11. The invention as defined in claim 1 wherein said object is a store selected from among a plurality of stores as a function of specified parameters of said viewer and said additional information is relevant to objects for sale at said store" (col 10, lines 35-43).

Kinoe discloses the utilization of networks and computers and graphics/image display environments with windows (col 8, lines 40-col 9, line 5) and utilizing displays, display windows and virtual cameras for displaying product/items (col 9, lines 47-57).

Kinoe discloses tracking the different attributes/features/parts of a product/item (Fig. 5) and highlighting/emphasizing (col 3, lines 18-23) different attributes/features/parts of a product/item (Fig. 13; Fig. 14; Fig. 15; Fig. 16; Fig. 17; Fig. 18; Fig. 9; col 2, lines 35-54).

Kinoe further discloses highlighting relevant attributes/features/parts of a related image of a product/item based on user interest in those attributes/features/parts (col 4, lines 15-45) and highlighting relevant attributes/features/parts based on the definitions of attributes/features/parts of a related image of a product/item (col 18, lines 7-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Kinoe's highlighting in an image of a product/item the attributes/features/parts of interest to a user to Shtivelmans analyzing a user chat for keywords related to features/attributes of products/items of possible interest and Aho's presenting objects in a virtual store based on anticipated user interest. One would have been motivated to do this in order to present the items and features of items that are more relevant to particular users and thereby better attain user interest.

Art Unit: 3622

Claim 2, 12: Aho and Gerace and Shtivelman and Kinow disclose the method according to claim 1. Aho further discloses said second step, when the client selects the salesperson in the imaginary store, the chat channel between the selected salesperson and the client is set, and when the client selects the product, the chat channel between a salesperson in charge and the client is set (col 2, lines 42-55; col 8, line 62-col 9, line 5).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. Please particularly note the rejection above starting at the section that begins "Additonally, Aho further discloses adapting the objects for sale at the virtual store based on information concerning the user. . .".

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bailey (US 2004/0133572 A1) discloses highlighting features of items of interest:

"[0078] Since there are no additional columns containing the specific attributes of the specific item selected, as there were in the keyword search module 40 and manufacturer search module 42, if a user desires to see such specific attributes of certain specific items, the user may select the "Attributes" button 212 within the Item box 170, as shown in FIG. 13E. If selected, the enabled "Attributes" button 212 will bring up window 420, as generally shown in FIG. 13F, which overlays a portion of the existing screen, displaying the specific attributes for a specific item of the item highlighted in FIG. 13E. This new window 420, as individually shown in FIG. 13G, begins with the Item Number field 422, Category field 424, and Keyword field 426. Window 420 additionally displays the attribute characteristics in the first column 428 and the specific attributes of that specific item in the second column 430. This information is the same information displayed in table form in FIGS. 7A and 12G, for example. At the bottom of window 420, as shown in FIG. 13G, is the "Cancel" button 432, which will close window 420 and return the user to the previous screen as well as the "Details" button 434, which has the same effect as the "Details" button 208 in FIGS. 7E, 12G, and 13E and will bring up a

Art Unit: 3622

screen similar to that explained previously and shown in FIG. 8.

[0047] When a customer finds the necessary item(s) from the displayed search results, WECAP.TM. retrieves an image(s) that corresponds to the item number(s) from the Image Cache 1010. All images in WECAP.TM. are stored on this Image Cache 1010 for fast, efficient retrieval. A scheduled batch interface keeps the images in sync with the latest version on the mainframe through electronic transfers such as FTP (File Transfer Process) with Mainframe 1012.

[0038] Use of WECAP.TM. has improved the way business users can procure items by providing one system and method where a user can (a) search, using multiple modules, for specific items both internally and externally to a user's business; (b) view detailed product characteristic information and scalable imaging”.

Schwartz (5,481,619) discloses highlighting features of items of interest:

“(11) The template images are designed to highlight the features in the product of interest and make it possible to come up with the features that are analyzed by the histogram vectors, e.g., the product's dimensions and the sizes of its defects. The sizes and their locations are typical features for analysis. Usually it takes the computer a great deal of time to create the template images. Like a real image, or part of a real image stored in the memory, it will have memory addresses related to pixels where gray levels values are stored. The template image pixel's gray level values are selected and used in a real-time inspection processes. The gray levels of the template image pixels do not necessarily resemble the gray levels of the product image”.

Art Unit: 3622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran  
Patent Examiner  
9/6/05